

WLB
JAN 16 PAGE 9

No. 97-6749

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE
LORENZO ARTEAGA — PETITIONER

VS.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9

REPLY BRIEF TO GOVERNOR PETE WILSON'S RESPONSE
DATED NOVEMBER 24, 1997

LORENZO ARTEAGA

4001 KING AVENUE / E-66703
P.O. BOX 2800

CORCORAN, CA 93212

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

Supreme Court, U. S.
FILED
DEC 19 1997
CLERK

RECEIVED
DEC 19 1997
OFFICE OF THE CLERK,
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

ARE THE FEDERAL STATUTORY AND FEDERAL CONSTITUTIONAL QUESTIONS AND ISSUES RAISED IN PORTMAN V. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) NOW RIFE FOR REVIEW WHERE PETITIONER, UNLIKE PORTMAN, DOES HAVE STANDING ON DIRECT APPEAL AND DOES RAISE THE SAME ISSUES; INCLUDING DOCUMENTED CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE WITNESSES, TO DENY REASONABLE ACCESS TO THE COURTS OF THE UNITED STATES AND TOTAL LACK OF AVAILABLE REMEDY IN THIS CIRCUIT TO PROTECT CLEARLY ESTABLISHED CIVIL, STATUTORY AND CONSTITUTIONAL RIGHTS SINCE AT LEAST AUGUST 31, 1982?

ARE THE FEDERAL CIRCUIT CONFLICTS PRESENTED BY PORTMAN V. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) NOW RIFE FOR RESOLUTION BY THE COURT?

IS PETITIONER ENTITLED TO HAVE THE JUNE 11, 1992, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER No. 92-15341, D.C. # CV-91-2534RFP AND/OR PROCEEDING REINSTATED, TO GVR, TO RELEASE ON HIS OWN RECOGNIZANCE WHERE THE DISMISSAL FOR FAILURE TO PROSECUTE SAID APPEAL WAS DELIBERATELY CAUSED BY RESPONDENTS IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY? BRETZ V. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (en banc); LOGAN V. ZIMMERMAN 71 Fed2d 265 (1982).

LIST OF PARTIES

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PETE WILSON
DANIEL E. LUNDGREN
J. CLIFFORD WALLACE
PETER L. SHAW
RONALD M. WHYTE
JAMES WARE
GREGORY H. WARD
ROBERT FOLEY
CHRISTOPHER C. COTTLE
RONALD LISK
PROCTER R. HUE
JOHN T. NOONAN
THOMAS MADDOCK
MALCOLM LUCAS
FERN M. SMITH
GREGORY G. HOLLOWAY

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	10
CONCLUSION	15

INDEX TO APPENDICES

APPENDIX A	CDC LETTER DATED 8/28/95 DISTORTING AND CORRUPTING THE LEGAL RECORD			
APPENDIX B	CT 1978 NO. 161396 (3-24-94)			
APPENDIX C	CT 1957 NO. 161396 (3-16-94)			
APPENDIX D	CT 1924-1928A (3-9-94) ATTORNEY GENERAL'S MOTION TO QUASH SUBPOENA AND TO SUPPRESS EVIDENCE			
APPENDIX E	CT 1257 NO. 161396 (6-4-93)			
APPENDIX F	U.S. SCt	No.		PET. FOR CERT. DEN.
DREXLER	"	No. 96-9196	(10-6-97)	" " " "
	"	No. 96-9197	(10-6-97)	" " " "
	"	No. 96-9328	" " "	" " " "
	"	No. 96-9329	" " "	" " " "
	"	No. 96-9309	" " "	" " " "
	"	No. 96-8700	(6/16/97)	" " " "
	"	No. 96-8141	(5/12/97)	" " " "
	"	No. 96-8146	(5/12/97)	" " " "
"	No. 97-5677	(10-20-97)	" " " "	
"	No. 96-9113	(10-6-97)	" " " "	

APPENDIX P NOTICE OF APPEAL NO. JO98982, JO98981, JO98981
DATED 9-18-96

APPENDIX Q U.S. SCt CLERK'S 8-14-97 RE CASE NO. SO59401,
CAAD6 NO. H016397

APPENDIX R CT 677, 678, 679, 1029, 1030

APPENDIX S ORIGINAL COMPLAINT NO. C-84-47195 FILED
4/30/84

APPENDIX T INFORMATION NO. 125303 FILED 11-22-88
(RE-FILED AGAIN 4 YEARS LATER)

APPENDIX U VERDICT NO. 138120 FILED 7-24-90
CT 481, 482

APPENDIX V EX PARTE TAMPERING WITH LEGAL RECORD ON
7-5-90 BY DA NOT DISCOVERED UNTIL
8-20-96; LTR SDAP DATED 8/20/96

APPENDIX W CASE NO. SO20235 FILED 8-12-92

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below

OPINIONS BELOW

✓ For cases from federal courts

The opinion of the United States court of appeals appears at Appendix A to the PETITION FILED ON MAY 20, 1997 [57-1] [95-80113], and at Appendix A, B and C to the petition filed on AUGUST 25, 1997 and placed on the docket NOVEMBER 14, 1997 as a petition for a writ of habeas corpus, docketed as LORENZO ARTEAGA, Petitioner v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749: All USCA9 opinions — except the opinion at Appendix C [USCA9 Nos. 96-16222, 96-16223, 95-15075, 95-15076] Attached to the habeas corpus petition filed AUGUST 25, 1997, supra, relate back to an unconstitutional self-styled OSC case number assigned #95-80113 [1] filed 3/28/95 [2] [95-80113] by Appellate Commissioner PETER L. SHAW. The resultant proceedings were irreparably tainted and prejudiced as founded upon a distorted and corrupted OSC which sought to suppress and conceal material facts by listing case docket numbers ONLY but failing and refusing to provide a true copy of the underlying order(s), decisions and/or judgments necessary for the purposes of adequate notice and service of process; especially concealing and suppressing habeas corpus proceeding and orders No. 92-15341 filed June 11, 1992, et seq., D.C. # CV-91-2534-RFP, to the present time (which proceeding required immediate reversal under Ninth Circuit precedent). Former Chief Judge J. CLIFFORD WALLACE incorporated the OSC's Federal Statutory (28 USC §1654) and Constitutional deficiencies and issued a "PRE-FILING REVIEW ORDER" in violation of the Federal Rules of Appellate Procedure Rule 47(a)(1), 47(a)(2), and which was wholly inapplicable to the facts of the instant case which was then, and still is, on direct appeal; PRE-FILING REVIEW order filed MAY 5, 1995 [5-1] [USCA9 #95-80113] in violation of LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 S.Ct. 2059 (1997), BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985), LOGAN v. ZIMMERMAN BRUSH CO, 71 Fed. 2d 265 (1982) IZARRY v. VASQUEZ — F.2d — (9th Cir. 1990), Current Chief Judge PROCTER R. HUG and Circuit Judge JOHN T. NOONAN concurred in the MAY 5, 1995 order.

JURISDICTION

✓ For cases from federal courts

The date on which the United States Court of Appeals decided my case was APRIL 24, 1997 [47-1], FEBRUARY 21, 1997 [41-1], JANUARY 9, 1997 [36] 7/17/97 [59], 8/1/97 [60], 8/28/97 [65] AND MOST RECENTLY 11/19/97 []

ALL DECISIONS ADMITTEDLY RELATED BACK TO USCA9 Case Number assigned 95-80113 [1-1] filed 3/22/95 based upon Appellate Commissioner PETER L. SHAW's self-styled OSC filed 3/28/95 [2] which issued immediately in vindictive retaliation for petitioner's APPLICATION No. A-705 to this Honorable Supreme Court allowing petitioner's first-ever petition for writ of certiorari filed C. 2/21/95 docketed as U.S. Supreme Court No. 94-9212.

All further USCA9 proceedings were irreparably tainted and unconstitutionally prejudiced as founded upon a distorted and corrupted 3/28/95 OSC which issued to suppress and to conceal material facts, especially USCA9 habeas corpus proceeding No. 92-15341, D.C. # CV-91-2534-RFP AND ORDER filed June 11, 1992, and so resulted in the following additionally (and admittedly) distorted decisions in my case:

"PRE-FILING REVIEW ORDER" in violation of F.R.A.P. rules 47(a)(1), 47(a)(2). Filed on MAY 5, 1995 [5] in violation of Public Law 100-352, §7, 102 Stat. 662 (1988); ART. I, §9, cl. 2, cl. 3, ART. III, ART. IV, §2, ART. VI, §2, and violation of 1st, 4th, 5th, 6th, 8th and 14th Amendments, U.S. CONSTITUTION; 28 USC §1654, 1332, 1343, 1443, 2241-2254, 2255 et al., LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 S.Ct. 2059 (1997), BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) en banc, LOGAN v. ZIMMERMAN FILED 265 (1982) AND UNCONSTITUTIONAL DECISIONS BASED THEREON, TO WIT:

6/29/95 [7]	7/20/95 [10]	9/22/95 [15]	9/22/95 [16]
12/8/95 [18]	2/9/96 [22]	2/9/96 [23]	3/14/96 [26]
7/12/96 [30]	1/9/97 [36]	2/21/97 [41]	4/24/97 [47]
7/17/97 [59]	8/1/97 [60]	8/28/97 [65]	11/19/97 []

DOCKET ENTRIES AS OF 9/12/97 IN USCA9 NO. 95-80113

A separate petition has been submitted as to the 11/19/97 [] USCA9 ORDER and mandate which issued instant and continues to unconstitutionally impair and prejudice all pending proceedings before this Honorable Court.

For example: 4/24/97 [47], 2/21/97 [41], 7/17/97 [59] and HABEAS CORPUS ORDER 8/1/97 [60] all impaired and unconstitutionally prejudiced U.S. Supreme Court Petition No. 96-9513 and the whole thereof, including overt acts precluding compliance with this Court's specific 10/6/97 ORDERS and resultant CONSTITUTIONAL INJURY for petitioner's NOW WILLFUL FAILURE to comply on 10/27/97 to date and to U.S. No. 97-5677 (denied 10/20/97) and No. 96-9113 filed 5/22/97, DENIED 10/6/97, and A-314 DENIED 10/30/97 (ARTEAGA v. WILSON, Gov. CALIFORNIA, USCA9 Nos. 96-16222 and 96-16223 and CALIFORNIA SGT NO. 5059401; NOT FILED: (10/28/97), et al.

MOREOVER, USCA9 Nos. 96-16222 and 96-16223 ARISING ON DIRECT APPEAL OUT OF USDC N CA Nos. CV-94-1575-FMS: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al. AND CV-94-3046: LORENZO ARTEAGA v. PETE WILSON PRE-DATE UNCONSTITUTIONALLY DISTORTED USCA9 DOCKET ENTRIES AND ORDERS Nos. 95-80113, AND USDC N CA No. CV-97-20665-RMW AND CV-97-2622-FMS AND CIV-97-1728 GEBGGH ARE ACTUALLY THE SUBJECT OF COMPLAINT(S) AND APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, DENIED 10/30/97 CRUE 22.4) AND A PETITION FOR REHEARING IS PENDING AS WELL AS THE SEPARATELY SUBMITTED PETITION FOR WRIT OF CERTIORARI (11/23/97) AND RELATED PETITIONS FOR REHEARING IN U.S. SUPREME COURT NOS. 96-9513, 97-5677, 96-9113 BASED UPON 28 USC §1254(1) JURISDICTION AND SUPREME COURT NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 BASED UPON 28 USC §1257(a) JURISDICTION: ALL MULTIPLICITY OF ACTIONS CAUSED BY UNCONSTITUTIONAL 3/28/95 OSC AND 5/5/95 et seq. USCA9 ORDERS WHICH CONTINUE TO IRREPARABLY IMPAIR, HINDER, DELAY, IMPEDE, OBSTRUCT AND PREJUDICE ALL PAST AND PRESENT AND PENDING LITIGATION BEFORE THIS HONORABLE COURT ON DIRECT APPEAL AND FEDERAL AND STATE HABEAS CORPUS IN VIOLATION OF THE PRESUMPTION AGAINST STATUTORY RETROACTIVITY (LANDGRAF, LINDH, et al.) AND VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES, F.R.A.P. R-47(a)(1), (a)(2), et al.

✓ This BRIEF is intended to comply with the Court's 10/6/97 ORDER and is so respectfully submitted; alternatively under Rules 15, 17, 18, 10 AND/OR 25, 5 in conjunction with 97-6749 (HABEAS) AND/OR 97-5677, 96-9328, 96-9196, 96-9197, 96-9329, 96-9309 AS SAID APPENDICES ARE AT ISSUE HEREIN.

✓ The jurisdiction of this Court is invoked under 28 USC §1254(1) and/or ORIGINAL JURISDICTION under ART. III of the CONSTITUTION OF THE UNITED STATES.

* ALSO A SEPARATE PETITION HAS BEEN SUBMITTED AS TO THE USCA9 TIME SCHEDULE ORDER FILED 9/15/97 (FOR WRIT OF CERTIORARI) TO PRECLUDE IT FROM EVADING REVIEW.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

GARLOTTE v. FORDICE 115 Sct 1948, 115 LEd 876, 878 (1995)
 UNITED STATES v. TAYLOR 648 F2d 565 (9th Cir 1981)
 PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir 1999)
 BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir 1985) (en banc)
 BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 93 Sct 1123 (1973)

SAME AS IN PETITION

STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS CONTAINED IN MY PENDING PETITION FOR WRIT OF HABEAS CORPUS FILED AUGUST 25, 1996 AND DOCKETED ON NOVEMBER 14, 1997 AS LORENZO ARTEAGA v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749; AND IN MY "DECLARATION OF LORENZO ARTEAGA" DATED NOVEMBER 11, 1997, ESSENTIALLY AS FOLLOWS.

ON SUNDAY OCTOBER 26, 1997 I WAS ABLE TO FILE ONLY MY ORIGINAL APPELLANT'S/PETITIONER'S OPENING BRIEF OTHERWISE IN COMPLIANCE WITH THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (USCA9) ACTION No. 97-16705: LORENZO ARTEAGA, PLAINTIFF-APPELLANT v.s. DANIEL E. LUNDGREN, et al. TIME SCHEDULE ORDER FILED ON SEPTEMBER 15, 1997 (APPENDIX A)* BUT I WAS NOT PERMITTED TO COMPLY WITH THE UNITED STATES SUPREME COURT ORDERS ENTERED ON OCTOBER 6, 1997 IN DOCKET No. 96-9513: LORENZO ARTEAGA v. CALIFORNIA (APPENDIX B)* FOR THE REASONS STATED IN MY BRIEF IN USCA9 No. 97-16705 AND IN PETITIONS FOR RECONSIDERATION IN UNITED STATES SUPREME COURT No. 96-9513 AND 97-5677 (DIRECT APPEAL AND HABEAS CORPUS) AND APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA (THWARTED USCA9 NOS. 96-16222 AND 96-16223 REMOVED FROM 95-15075 AND 95-15076 TO DISTORT AND TO CORRUPT THE PROCESS OF LAW OUT OF UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA D.C. NOS. C-94-1575-FMS AND C-94-3046-FMS (USDC N CA) CONSOLIDATED FEBRUARY-MARCH 1995).

WITH FULL KNOWLEDGE OF THE FOREGOING PROCEEDINGS AND EXISTING U.S. COURT ORDERS AND IN DEUBERATE CONTEMPT OF SAID U.S. COURT ORDERS, DEFENDANTS AND RESPONDENTS PETE WILSON, DANIEL E. LUNDGREN, THOMAS MADDOCK, GARY LINDSEY, GEORGE M. GALAZA, INDIVIDUALLY

* TO THE SEPARATELY FILED/SUBMITTED PETITION FOR WRIT OF CERTIORARI

1 AND IN THEIR OFFICIAL CAPACITIES DID CONSPIRE TO REMOVE AND WITHHOLD ALL
2 OF MY PENDING LOWER COURT ORDERS AND RECORDS AND STATIONERY AND TO
3 DENY ME ACCESS TO THE PRISON LAW LIBRARY AND THEN PROCEEDED TO
4 EFFECT THE OBJECT OF THEIR CONSPIRACY BY TRANSFERRING ME FROM
5 SALINAS VALLEY STATE PRISON TO CORCORAN STATE PRISON WHERE THEY
6 REFUSED AND FAILED TO THE PRESENT TIME ^{TO} RETURN MY LEGAL RECORDS AND
7 REFUSED TO PERMIT ME STATIONERY OR LAW LIBRARY ACCESS. SEE
8 USDC N CA Nos. C-97-2622-FMS (FILED 7/16/97) REASSIGNED AND
9 TRANSFERRED TO C-97-20665-RMW BY A "REASSIGNMENT ORDER"
10 entered in the COMPUTER 7/29/97 THE DAY BEFORE THE ORDER WAS
11 DATED 7-30-97; AND ON 9/12/97 A RELATED 42 USC §1983 WAS FILED
12 IN USDC E CA (SACRAMENTO) DOCKETED AS No. CIV-S-97-1728 GEBGGH
13 WHICH ON DECEMBER 2, 1997 TRANSFERRED SAID ACTION: LORENZO ARTEAGA
14 V. DANIEL E. LUNDGREN, et al., BACK TO THE UNITED STATES DISTRICT
15 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA EVEN THOUGH THE
16 EASTERN DISTRICT SACRAMENTO COURT ADMITTED THAT "VENUE OF THIS
17 ACTION IS TECHNICALLY APPROPRIATE IN THE EASTERN DISTRICT OF CALIFORNIA
18 BECAUSE THE GOVERNOR OF CALIFORNIA, THE ATTORNEY GENERAL, AND THE
19 DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS RESIDE IN THIS
20 DISTRICT." [8-1] [CIV-S-97-1728 GEBGGH P].

21 ON THE SAME DAY, DECEMBER 2, 1997 THE UNITED STATES DISTRICT
22 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA IN PENDING CASES SINCE
23 LORENZO ARTEAGA V. CALIFORNIA DEPARTMENT OF CORRECTIONS (FILED 5/5/94)
24 No. C-94-1575-FMS, LORENZO ARTEAGA V. PETE WILSON ^{C94-2046-FMS} (FILED 8/26/94)
25 AND RELATED Nos. C-94-4466-FMS AND C-95-64-FMS (FILED NOV. 94-
26 JAN. '95) FILED AND SERVED ALL PARTIES OF RECORD WITH AN ORDER
27 ENTITLED: ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS/PROHIBITION
28 AND HABEAS CORPUS; DENYING MOTION TO RECONSIDER OR
ALTERNATIVE MOTION TO VACATE ORDERS; DENYING PETITION FOR
WRIT OF ERROR CORAM NOBIS; AND DENYING MOTION FOR
TRANSCRIPTS AT GOVERNMENT EXPENSE

1 THE USDC E CA FORGOT TO MENTION THAT VENUE OF THIS ACTION
2 IS NOT ONLY TECHNICALLY APPROPRIATE IN THE EASTERN DISTRICT OF CALIFORNIA
3 BECAUSE THE GOVERNOR OF CALIFORNIA, THE ATTORNEY GENERAL, AND THE
4 DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS RESIDE IN THIS
5 DISTRICT BUT ALSO BECAUSE THE COMPLAINT REGARDING THESE SAME
6 DEFENDANTS, PETE WILSON, DANIEL E. LUNDGREN AND THOMAS MADDOCK
7 WAS FILED ON MAY 30, 1996 [1-1] [#96-CV-5670] ENTITLED:
8 LORENZO ARTEAGA V. DANIEL E. LUNDGREN, et al. ORIGINALLY DOCKETED
9 IN THE SAME EASTERN DISTRICT AT SACRAMENTO, CALIFORNIA AS No.
10 CIV-96-1047 DFL JFM P. DOCKET ENTRY NUMBER 2, ON JUNE 24,
11 1996 (EVIDENCED AS OF THE DOCKET ON APPEAL TO THE USCA9 OF
12 SEPTEMBER 4, 1997 2:35 PM), TO-WIT:

13 ORDER BY MAGISTRATE JUDGE JOHN F. MOULDS: THIS COURT
14 HAS NOT RULED ON PLTF'S REQUEST TO PROCEED IN FORMA
15 PAUPERIS IN 2:96-CV-1047 DFL JFM P; TRANSFERRING
16 CASE TO THE FRESNO DIVISION; CASE REASSIGNED TO
17 JUDGE OLIVER W. WANGER; CASE REFERRED TO MAGISTRATE
18 JUDGE DENNIS L. BECK (CC: ALL COUNSEL) (VC)
19 [2-1] [#96-CV-5670]

20 AND FAMILIAR DOCKET ENTRIES:

21 6/26/96 4 MOTION FOR WRIT OF MANDATE/PROHIBITION BY PLA ARTEAGA (Jg)
22 [ENTRY DATE 07/05/96]
23 7/15/96 5 ORDER BY MAGISTRATE BECK DISMISSING THE COMPLAINT [1-1]
24 CASE MGMT ddi set for 8/15/96 TO FILE AN AMENDED COMPLAINT
25 AND NEW APPLICATION TO PROCEED IN FORMA PAUPERIS (CC: ALL COUNSEL) (CH)
26 8/19/96 6 AMENDED COMPLAINT BY PLAINTIFF LORENZO ARTEAGA; JURY DEMAND
27 (CH) [ENTRY DATE 08/20/96]
28 ...
29 11/1/96 11 MOTION TO COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS
30 BY PLAINTIFF LORENZO ARTEAGA [Entry date 11/04/96]
31 11/1/96 12 DECLARATION OF LORENZO ARTEAGA IN SUPPORT OF MOTION TO COMPEL
32 [11-1] (Fg) [Entry date 11/05/96]
33 12/2/96 13 ORDER BY MAGISTRATE JUDGE HOLIS G. BEST STRIKING motion TO
34 COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS BY PLAINTIFF
35 LORENZO ARTEAGA [11-1] STRIKING DECLARATION [12-1]
36 (CC: ALL COUNSEL) (Fg) [ENTRY DATE 12/03/96]

1 12/16/96 14 REQUEST BY PLAINTIFF LORENZO ARTEAGA FOR REHEARING OF ORDER STRIKING
2 MOTION TO COMPEL PRODUCTION OF DESIGNATED TRIAL COURT EXHIBITS BY
3 PLAINTIFF LORENZO ARTEAGA T.11-1] AND DECLARATION (Fg) [ENTRY DATE 12/18/96]
4
5 1/21/97 15 FINDINGS AND RECOMMENDATIONS BY MAGISTRATE JUDGE DENNIS L. BECK RECOMMENDING
6 THAT ACTION BE DISMISSED CASE MGMT Dd1 SET FOR 2/21/97 TO FILE
7 OBJECTIONS (cc: ALL COUNSEL) (Fg)
8
9 2/6/97 16 OBJECTIONS BY PLAINTIFF LORENZO ARTEAGA TO MAGISTRATE JUDGE'S FINDINGS
10 AND RECOMMENDATIONS AND ORDER STRIKING MOTION TO COMPEL DIS-1],
11 [13-1] (Fg) [ENTRY DATE 02/07/97]
12
13 2/19/97 17 ORDER BY MAGISTRATE JUDGE BECK STRIKING MOTION FOR WRIT OF MANDATE/
14 PROHIBITION BY PLA ARTEAGA [4-1] (cc: ALL COUNSEL)
15
16 3/6/97 18 NOTICE OF APPEAL BY PLAINTIFF FROM DISTRICT COURT DECISION (Fee status
17 IFP) (1m) [ENTRY DATE 03/10/97]
18
19 3/28/97 19 NOTICE OF APPEAL BY PLTF LORENZO ARTEAGA FROM DISTRICT COURT DECISION
20 (Fee status In Forma Pauperis) (h1) [ENTRY DATE 03/31/97]
21
22 3/28/97 20 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL
23 TO 9th Circuit Court of Appeals COPY OF APPEAL AND CERTIFIED COPY OF
24 DOCKET SHEET TO ALL PARTIES (1m) [ENTRY DATE 04/07/97]
25
26 4/7/97 21 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [19-1] (notice sent) (1m)
27
28 4/7/97 22 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL
TO 9th Circuit Court of Appeals COPY OF APPEAL AND CERTIFIED COPY OF
DOCKET SHEET TO ALL PARTIES (1m)
4/7/97 23 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [18-1] (notice sent) (1m)
5/1/97 24 ORDER BY JUDGE OLIVER W. WANGER ORDERING DISMISSING CASE
(cc: ALL COUNSEL) (1m) [ENTRY DATE 05/06/97]
5/6/97 25 JUDGMENT ENTERED FINDINGS AND RECOMMENDATIONS ISSUED BY THE MAGISTRATE
JUDGE ON 1/21/97, ARE HEREBY ADOPTED IN FULL AND IT IS ORDERED AND
ADJUDGED THAT THIS ACTION IS DISMISSED WITHOUT PREJUDICE
(cc: ALL COUNSEL) (1m)
5/9/97 26 PETITION FOR REHEARING, CLARIFICATION, JUDICIAL NOTICE BY PLAINTIFF
LORENZO ARTEAGA (h1) [ENTRY DATE 05/12/97]
5/15/97 27 NOTICE OF APPEAL BY PLAINTIFF LORENZO ARTEAGA FROM DISTRICT COURT DECISION
(Fee status FP) (h1) [ENTRY DATE 05/16/97]
5/27/97 28 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL
AND APPEALED 5/6/97 JUDGMENT TO 9th Circuit Court of Appeals COPY OF
APPEAL AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)
5/27/97 29 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [27-1] (notice sent) (1m)
7/28/97 30 MEMORANDUM, OPINION AND ORDER: BY JUDGE OLIVER W. WANGER PETITION FOR
REHEARING [26-1] DENIED; JUDGMENT AS ENTERED ON 5/6/97 AFFIRMED
(cc: ALL COUNSEL) (11) [ENTRY DATE 07/30/97]

1 9/2/97 31 NOTICE OF APPEAL BY PLAINTIFF FROM DISTRICT COURT DECISION (Fee status
2 IN FORMA PAUPERIS) (1m) [ENTRY DATE 09/03/97]
3
4 9/4/97 32 MAILED CASE INFORMATION/DOCKET FEE PAYMENT NOTICE COPY OF NOTICE OF APPEAL
5 TO 9th Circuit Court of Appeals COPY OF APPEAL FILED 7/28/87, (sic)
6 AND CERTIFIED COPY OF DOCKET SHEET TO ALL PARTIES (1m)
7
8 9/4/97 33 CERTIFICATE OF RECORD TRANSMITTED TO 9th Circuit [31-1]
9 (notice sent) (1m)
10
11 From SEPTEMBER 15, 1997 TO OCTOBER 31, 1997 I HAD TO USE PAPER
12 BAGS TO WRITE TO THE SUPREME COURT OF THE UNITED STATES AND TO THE USCA9
13 AND OTHERS AS RESPONDENTS/DEFENDANTS CONTINUED AND CONTINUE TO DELIBERATELY
14 OBSTRUCT AND VIOLATE UNITED STATES COURT ORDERS AND TO IMPEDE, HINDER,
15 IMPAIR, THWART, OBSTRUCT, DELAY AND/OR PREJUDICE MY FEDERAL STATUTORY
16 AND CONSTITUTIONAL AND CIVIL RIGHTS AS A CITIZEN OF THE UNITED STATES
17 TO REASONABLE ACCESS TO THE COURTS, INCLUDING THIS PETITION AND
18 PROCEEDING AND LEGAL REDRESS ON DIRECT APPEAL. CHAPMAN v.
19 CALIFORNIA 17 Led 2d 705 (1967); ORNELAS v. U.S. 116 Sct 1657 (1996)
20 CONSTITUTIONAL HARMLESS ERROR ANALYSIS AND DE NOVO REVIEW ARE THE
21 APPLICABLE STANDARDS OF REVIEW RESPONDENTS HAVE SO CONSPIRED TO EVADE
22 AND CIRCUMVENT BY THEIR CONSPIRACY AND OVERT ACTS INITIALLY AND TIMELY
23 DOCUMENTED IN USDC N CA NOS. C-90-20326-RFP (HABEAS CORPUS) AND
24 C-90-20257-RFP (42 USC § 1983) AND TIMELY DIVERSITY ACTIONS NOS.
25 C-91-0583 RFP AND C-91-0594 RFP, BRIEFED IN OSCAS NOS. 97-16705,
26 AND IN 95-15075, 95-15076, 95-15723, 95-15724, 95-15411: ALL
27 SUBMITTED BRIEFS DISMISSED BY INTRINSIC AND EXTRINSIC FRAUD IN
28 MARCH - JUNE 1995; AND NOW RESPONDENTS SEEM TO HAVE EFFECTED
THE OBJECT OF THEIR LONG-STANDING CONTINUOUS COURSE AND CONDUCT
CONSPIRACY BY FORCING ANOTHER SUBSTANTIVE AND PROCEDURAL DEFAULT
TO MY BRIEF SUBMITTED OCTOBER 26, 1997 PURSUANT TO HOLSTON
v. LACK (1989) — U.S. AND F.R.A.P. R. 25(a)(2)(C).

1 STATIONERY WAS ONLY ONCE REASONABLY PROVIDED: ON OCTOBER 31,
2 1997 RESPONDENTS FINALLY ALLOWED ME TO OBTAIN SOME OF MY OWN
3 STATIONERY BUT ONLY AFTER THEY KNEW ACTUAL PREJUDICE AND
4 CONSTITUTIONAL INJURY HAD ACCRUED TO U.S. SUPREME COURT DOCKET
5 NO. 96-9513 AND USCA9 NO. 97-16705, AND U.S. SUPREME COURT
6 APPLICATION NO. A-314 AND DEFAULT IN CALIFORNIA SUPREME COURT
7 NO. S059401, CALIFORNIA COURT OF APPEALS SIXTH APPELLATE
8 DISTRICT NO. H016397 AND SO EFFECTED THE OBJECT OF THEIR CON-
9 SPIRACY WHEN THESE DIRECT APPEALS AND USCA9 NOS. 96-16222, AND
10 96-16223; LORENZO ARTEAGA V. PETE WILSON, GOVERNOR OF CALIFORNIA
11 AND LORENZO ARTEAGA V. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al.
12 WERE SO VIOLENTLY AND FRAUDULENTLY BLOCKED AND DEFAULTED.

13 DURING THIS ONE-TIME CENSORED ACCESS TO PARTIAL LEGAL RECORDS
14 I DISCOVERED THE FOLLOWING USCA9 ORDER FILED JUNE 11, 1992, DOCKET
15 NO. 92-15341, D.C.# CV-91-2534-RFP NORTHERN CALIFORNIA NOT
16 EARLIER DELIVERED TO OR RECEIVED BY ME UNTIL OCTOBER 31, 1997 DUE
17 TO RESPONDENTS' DELIBERATE ON-GOING OBSTRUCTION, TO-WIT:

18 UNITED STATES COURT OF APPEALS
19 FOR THE NINTH CIRCUIT

FILED

JUNE 11 1992

20 LORENZO ARTEAGA,
21 PETITIONER-APPELLANT,

VS.

22 FRANK LESLIE HALL, DIRECTOR OF SANTA
23 CLARA COUNTY DEPT. OF CORRECTIONS,
24 RESPONDENT-APPELLEE.

25 NO. 92-15341
26 D.C.# CV-91-2534-RFP
27 NORTHERN CALIFORNIA
28 ORDER

BEFORE: FLETCHER AND LEAVY, CIRCUIT JUDGES

APPELLANT'S MOTION FOR A STAY OF THE APPELLATE
PROCEEDING PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION
OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S MOTION FOR BAIL PENDING THE CALIFORNIA
SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT
OF HABEAS CORPUS IS DENIED.

APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD ARE DUE
AUGUST 5, 1992; APPELLEE'S BRIEF IS DUE SEPTEMBER 4, 1992;
THE REPLY BRIEF, IF ANY, IS DUE SEPTEMBER 18, 1992.

CR CAL 6/10/92 SP-B

REASONS FOR GRANTING THE PETITION

1 ON OR ABOUT JUNE 11, 1992 — THE DATE THE USCA9 ORDER IN HABEAS
2 CORPUS DOCKET NO. 92-15341, D.C.# CV-91-2534-RFP, RENUMBERED FROM
3 C.90-20326 RFP, WAS FILED — RESPONDENTS AND APPELLEE'S PETE WILSON
4 GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, STATE ATTORNEY GENERAL,
5 AND THEIR ALTER EGO CALIFORNIA BOARD OF PRISON TERMS AND APPOINTEES
6 COMMISSIONER R. BEEKMAN, DEPUTY COMMISSIONER'S ERNIE CALDERON,
7 (916) 322-6717, DOE VASQUEZ AND OTHER HIGH LEVEL CALIFORNIA
8 OFFICIALS DELIBERATELY CAUSED ME TO BE INJECTED WITH AN
9 OVERDOSE OF TUBERCULIN. THIS OVERT ACT WAS IN FURTHERANCE
10 OF THEIR PRIOR OVERT ACTS AND EXTENSION OF CONSPIRACY IN
11 HAVING SET ME UP IN THE HOLE AT SUSANVILLE STATE PRISON IN
12 NOVEMBER 1991 TO OBSTRUCT U.S. SUPREME COURT ORDERS IN A-594,
13 A-21, A-22, A-23, A-794, et al., AND SO HAVING MALICIOUSLY
14 HOUSED ME WITH A GUY WHO HAD TUBERCULOSIS FOR 3-4 MONTHS
15 UNTIL THEY AGAIN TRANSFERRED ME TO TEHACHAPI STATE PRISON ON
16 FEBRUARY 28, 1992 WHEN THE HONORABLE SANDRA DAY O'CONNOR
17 HAD GRANTED ME AN EXTENSION OF TIME TO FILE A PETITION FOR
18 WRIT OF CERTIORARI TO MARCH 10, 1992 WHICH WAS SO DELIBERATELY
19 OBSTRUCTED AND DEFAULTED BY SUCH RECORDS' REMOVALS.

20 THE TUBERCULIN INJECTION WAS INTENDED TO EFFECT THE SAME
21 CONSPIRACY — SENDING ME TO BAKERSFIELD COUNTY HOSPITAL EMERGENCY
22 CARE FOR ALMOST A WEEK IN ORDER TO REMOVE ALL OF MY PENDING
23 LEGAL RECORDS AND USCA9 NO. 92-15341 ORDER TO DELIBERATELY
24 VIOLATE, IMPEDE, HINDER, DELAY OR OBSTRUCT SAID U.S. COURT ORDER BY
25 CONSPIRACY AND CONSPIRACY TO COMMIT MURDER AND OVERT ACTS IN
26 FURTHERANCE OF CONSPIRACY TO CAUSE GREAT BODILY INJURY, MAYHEM
27 OR DEATH TO DISTORT AND TO CORRUPT THE PROCESS OF LAW.

28 ON OR ABOUT JULY 11, 1992 RESPONDENTS PETE WILSON,

1 GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, STATE ATTORNEY GENERAL, R. BEEKMAN,
2 ERNIE CALDERON, DOE VASQUEZ AND OTHER HIGH LEVEL PRISON OFFICIALS
3 OF THE LEGAL PROCESSING UNIT IN SACRAMENTO, CALIFORNIA PLACED
4 ONE OF THEIR VIOLENT PROGRAMMED INMATES IN MY CELL AT TEHACHA STATE
5 PRISON TO BEAT ME UP AND FABRICATE A "CELL FIGHT" TO AGAIN REMOVE
6 THE USCA9 No. 92-15341 COURT ORDER AND FALSELY LOCK ME UP IN
7 THE HOLE TO HAVE SO THREATENED, INTIMIDATED, COERCED AND BY SUCH
8 OVERT ACTS OF EXTREME VIOLENCE AND UNNECESSARY EXCESSIVE
9 FORCE HAVE FORCED ME TO SIGN PAROLE PAPERS (AS I AM AGAIN
10 TODAY FRAUDULENTLY SET-UP IN THE HOLE AFTER BEING
11 BEAT UP WHILE I WAS HANDCUFFED AND LATER ACTS OF MAYHEM ON
12 8/18/97 - TO OBSTRUCT CASC No. 5059401 PETITION FOR WRIT OF
13 CERTIORARI - RESPONDENTS' INMATE EMPLOYEE CAUSED ME 15 STITCHES
14 ON MY HEAD WHILE I WAS IN THE HOLE AT SALINAS VALLEY STATE
15 PRISON IN VIOLATION OF 18 USC §§ 373, 241-242, 1509, 1512, 1513,
16 42 USC §§ 1986, 1985(2), 1985(3), 1983) TO HAVE REMOVED ALL OF MY
17 PENDING LEGAL RECORDS AND LOWER COURT ORDERS BY CONSPIRACY AND
18 OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE
19 ME FOR PETITIONING THE COURTS OF THE UNITED STATES FOR LEGAL
20 REDRESS AS PROVIDED BY LAW IN EXTENSION OF RESPONDENTS'
21 CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW
22 UNDER COLOR OF AUTHORITY.

23 ON AUGUST 5, 1992 I SIGNED PAROLE PAPERS WITHOUT KNOWLEDGE
24 OF THE USCA9 No. 92-15341 COURT ORDER AND UNDER DURESS FOLLOWING
25 AN UNCONSTITUTIONAL CALIFORNIA BOARD OF PRISON TERMS HEARING ORDERED
26 BY PETE WILSON, DANIEL E. LUNDGREN, R. BEEKMAN, ERNIE CALDERON
27 AND THEIR APPOINTED COMMISSIONER AND DEPUTY COMMISSIONERS CONVENED
28 WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION OR AUTHORITY.

1 ON JULY 14, 1992 AT WHICH HEARING THE GOVERNOR ORDERED ME TO SIGN
2 PAROLE PAPERS. WHEN I REFUSED TO SIGN BECAUSE, AS I TOLD
3 COMMISSIONER R. BEEKMAN: I HAD ALREADY ON JUNE 12, 1992 —
4 THE DAY AFTER USCA9 No. 92-15341 HABEAS CORPUS ORDER WAS FILED —
5 FULLY EXACTED, AND AT THE JULY 14, 1992 HEARING HAD OVER-EXACTED
6 MY COURT-ORDERED 2 YEAR, 4 MONTH PRISON SENTENCE AND WAS
7 BEING IMPRISONED WITHOUT ANY COURT ORDER OR LEGAL CAUSE OR
8 LEGAL PROCESS. NEVERTHELESS, THE GOVERNOR'S BPT, WHICH HAD NO
9 JURISDICTION, AS I WAS NOT AND AM NOT A LIFER AND HAD NO ADMINISTRAT-
10 IVE LAW ON THE MATTER PER RESPONDENT DANIEL LUNDGREN'S LEGAL COUNSEL
11 OPINION ORDERED ME CONFINED IN STATE PRISON AT TEHACHA FOR
12 4 MORE YEARS, IN 6 MONTH INCREMENTS, AND TOLD ME THAT RESPONDENTS
13 PETE WILSON AND DANIEL LUNDGREN COULD AND WOULD CONTINUE TO KEEP
14 ME IN PRISON IN THE HOLE WITHOUT FAMILY VISITS, NO PHONE CALLS,
15 NO LAW LIBRARY, FOR 4 MORE YEARS WITHOUT ANY LEGAL COURT
16 ORDER OR JUDICIAL PROCESS.

17 THE WRITTEN RECORD OF THIS PROCEEDING WAS FILED IN CAAD6
18 No. H010082 (7-29-92), H010095 (8-6-92) AND H009739 AND THE SAME
19 COURT REFUSED TO TAKE JUDICIAL NOTICE OF SAID UNCONSTITUTIONAL PROCEEDING
20 ON DIRECT APPEAL No. H012729 (5/24/96 ORDER) AND THE USCA9 ALSO
21 REFUSED TO TAKE JUDICIAL NOTICE AT FOOTNOTE 1 FILED 7/21/97 IN
22 USCA9 Nos. 96-16222 AND 96-16223 NOW AT-ISSUE IN THIS HONORABLE
23 COURT IN APPLICATION No. A-314 AND SEPARATELY SUBMITTED PETITION FOR
24 WRIT OF CERTIORARI: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR
25 OF CALIFORNIA AND LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT
26 OF CORRECTIONS, et al. THE CDC CHRONOLOGICAL HISTORY
27 SHEET DATED 6-22-92 IS ATTACHED _____

28 ON AUGUST 6, 1992 I WAS SUPPOSEDLY PAROLED BUT IN CONSPIRACY

1 AND EXTENSION OF CONSPIRACY RESPONDENTS HAD THEIR CHAIN CONSPIRATOR REDWOOD
2 CITY/COUNTY SHERIFF AGENTS WAITING FOR ME IN THE R & R RECEIVING AND
3 RELEASE BUILDING FOR AN ALLEGED 3-YEAR OLD TRAFFIC TICKET MATTER
4 I HAD ALREADY ADJUDICATED PURSUANT TO CALIFORNIA PENAL CODE §1381.
5 THIS OVERT ACT WAS INTENDED TO ALLOW RESPONDENTS TO CONVERT MY
6 LEGAL RECORDS AND PENDING LOWER COURT ORDERS BY CONSPIRACY AND
7 FURTHERANCE OF CONSPIRACY TO VIOLATE MY STATUTORY AND CONSTITUTIONAL
8 RIGHT OF ACCESS TO THE COURTS AND TO DENY ME DUE PROCESS AND
9 EQUAL PROTECTION OF PROCEDURAL AND SUBSTANTIVE LAW AND TO DISTORT
10 AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY.

11 ON SEPTEMBER 4, 1992 I WAS ENROLLED AND ATTENDING CLASSES
12 FULL-TIME AT SAN JOSE STATE UNIVERSITY AND KNEW NOTHING OF
13 THE JUNE 11, 1992 USCA9 No. 92-15341 HABEAS COURT ORDER.

14 ON SEPTEMBER 18, 1992 MY PETITION FOR REVIEW IN MY DIRECT
15 APPEAL CAADG No. H007751, SUPERIOR COURT OF SANTA CLARA COUNTY
16 No. 138120 WAS FILED IN THE CALIFORNIA SUPREME COURT CRYPTICALLY
17 NUMBERED S028858: LORENZO ARTEAGA v. PETE WILSON, et al.,
18 CAADG Nos. H010082(7.29.92), H010095(8.6.92), H007751, H009739(-92)

19 THE DISMISSAL FOR FAILURE TO PROSECUTE USCA9 No. 92-15341 HABEAS
20 CORPUS PROCEEDING WAS NOT CAUSED BY ME BUT BY RESPONDENTS PETE
21 WILSON, DANIEL E. LUNDGREN, et al.,* IN CONSPIRACY AND IN FURTHERANCE OF
22 CONSPIRACY ALLEGED BY SHELDON PORTMAN, FORMER PUBLIC DEFENDER OF
23 SANTA CLARA COUNTY IN PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993)

24 BUT UNLIKE PORTMAN WHO THE NINTH CIRCUIT FOUND HAD NO STANDING
25 TO RAISE THE LEGAL ISSUES HE BROUGHT ON BEHALF OF HIS CLIENTS OR
26 FORMER CLIENTS, I AM RAISING THE EXACT SAME LEGAL ISSUES AND
27 I DO HAVE STANDING AND ARTICLE III JURISDICTION AS I AM RAISING
28 THESE SAME CLAIMS AND ISSUES AS A PRO SE DEFENDANT OUT OF SANTA CLARA

* AS THEY HAVE EXTENDED THEIR CONSPIRACY TO THE PRESENT TIME TO DEFAULT
AND IRREPARABLY PREJUDICE ALL OF MY PENDING LITIGATION ON DIRECT APPEAL
AND HABEAS CORPUS, INCLUDING U.S. No 96-9613, USCA9 No. 97-16705, et al.

1 COUNTY WHO WAS A FORMER CLIENT ON WHOSE BEHALF MR. PORTMAN
2 BROUGHT HIS FEDERAL CONSTITUTIONAL CLAIMS. MOREOVER, UNLIKE
3 PORTMAN v. COUNTY OF SANTA CLARA WHERE THE NINTH CIRCUIT
4 FOUND THAT HIS CLAIMS WERE NOT "RIPE FOR REVIEW" MY SAME
5 FEDERAL STATUTORY AND CONSTITUTIONAL CLAIMS ARE RIFE FOR REVIEW
6 AND THE NINTH CIRCUIT, TENTH CIRCUIT, THIRD CIRCUIT AND FIRST
7 CIRCUIT COURT OF APPEAL CONFLICTS LEFT UNRESOLVED SINCE 1993
8 SHOULD NOW BE RESOLVED ON DIRECT APPEAL IN THE INTERESTS OF JUSTICE.

9 ON DECEMBER 4, 1992 AFTER RESPONDENTS SANTA CLARA COUNTY,
10 et al., FORCED ME TO DEFAULT ON USCA9 HABEAS CORPUS PROCEEDING
11 No. 92-15341, D.C. # CV-91-2534-RFP BY CONSPIRACY AND OVERT
12 ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE
13 PROCESS OF LAW BY DELIBERATELY CONSPIRING WITH STATE OFFICIALS
14 AND FORMER STATE OFFICIALS TO WITHHOLD AND TO REMOVE ALL OF MY
15 PENDING LEGAL RECORDS (AS CONTINUES TO THE PRESENT TIME) AND TO
16 WITHHOLD MY LEGAL MAIL SINCE MY ALLEGED PAROLE RELEASE ON
17 AUGUST 6, 1992. RESPONDENTS EFFECTED THE OBJECT OF THEIR
18 CONSPIRACY BY RE-ARRESTING ME WITHOUT JUST, OR LEGAL OR
19 PROBABLE CAUSE AND THEY REINSTATED A DEFUNCT STATUTORY AND
20 CONSTITUTIONALLY TIME-BARRED RES JUDGATA CRIMINAL COMPLAINT
21 THEY HAD MALICIOUSLY FILED WITHOUT REASONABLE OR PROBABLE
22 CAUSE ON APRIL 27, 1984. ORNELAS v. U.S. 116 S Ct 1657 (1996)
23 CHARMAN v. CALIFORNIA 17 LED 2d 705 (1967). MILLER v. PATE 17 LED 2d 690
24 (1967). GARLOTTE v. FORDICE 115 S Ct 1948 (1995). TOME v. U.S., 115 S Ct
25 (1995). BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (en banc).
26 PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993), BOVIE v.
27 COLUMBIA 12 LED 2d 894 (1964), KYLES v. WHITLEY 115 S Ct 1555 (1995).

28 THE LEGAL RECORD HAS BEEN DISTORTED AND CORRUPTED SINCE.

CONCLUSION

FOR THE FOREGOING EXCEPTIONAL AND EXTRAORDINARY CIRCUMSTANCES THE PETITION FOR WRIT OF CERTIORARI AND/OR HABEAS CORPUS SHOULD BE GRANTED; GVR TO RELEASE AN INNOCENT PERSON FROM IMPRISONMENT OBTAINED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES. ALTERNATIVELY, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT HABEAS CORPUS PROCEEDING DOCKET NUMBER 92-15341 MUST BE REINSTATED AND PETITIONER RELEASED ON HIS OWN RECOGNIZANCE PENDING SUCH FURTHER PROCEEDINGS AS THE COURT DEEMS JUST AND PROPER.

RESPECTFULLY SUBMITTED.

Lorenzo Arteaga
LORENZO ARTEAGA

DATE: DECEMBER 14, 1997

APPENDICES

CC#18

Salisbury
PETE WILSON Governor

DEPARTMENT OF CORRECTIONS



Legal Processing Unit
O. Box 942883
Sacramento, CA 94283-0001
(916) 324-0848

August 28, 1995

Honorable Gregory H. Ward
Judge of the Superior Court
County of Santa Clara
115 Terraine Street
San Jose, CA 95110

Re: Arteaga, Lorenzo
CDC No.: E66703
Case No.: 161396
Date of Sentence: March 24, 1994

Dear Judge Ward:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Abstract of Judgment reflects Count 7, PC288(a), with a one-third consecutive non-violent box checked. As this is a violent offense, pursuant to PC667.5(c), we have recorded this offense as one-third consecutive violent. If this is not the Court's intent, please advise this office.

Please review your file to determine if a correction is required.

Sincerely,

DELORIS PASCHAL
Correctional Case Records Manager

Karen L. Huffman

By: KAREN L. HUFFMAN
Correctional Case Records Specialist

Attachment

cc: District Attorney
Public Defender/Defense Counsel
Inmate
C-File

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Case No: 161396 Case Name: People of the State of California vs
Date: 3-24-94 Time: 9:21AM LORENZO ARTEAGA
HONORABLE GREGORY H. WARD
Deputy Clerk KATHY BORGES
Court Reporter CINDY MOHR
Deputy Sheriff GENE BOWDEN
ALSO PRESENT: DIANA CUNNINGHAM, APO

RAY MENDOZA PRO PER
Deputy District Attorney Counsel for Defendant

PROCEEDING: POST TRIAL MOTIONS AND FORMAL SENTENCING HEARING. CONTINUED FROM 3-23-94.

Police reports and probation report discussed/argued for the record. The probation report date of offense dates are changed from "Between January 1, 1988 and December 31, 1989" TO "Between and during September 1988 and October 1988". For the record as of today the credit for time served is 476 + 238 4019 = 714 total days. Defendant files in open court the following: "Superior Court Findings and Orders (Melinda Stewart, Trial Court Judge, Trial Court conducted March 3, 5, 8 & 23, 1989". Defendant argues his various post trial motions (16).

Court rules as follows:

1. Petition for Rehearing filed 1-31-94 - DENIED.
2. Motion for Judgment of Acquittal after Verdict filed 2-23-94 - DENIED.
3. Pre-sentencing Notice of Non-Statutory Motion to Dismiss filed 3-3-94 - DENIED.
4. Pre-sentencing statement and notice of request to consider dismissal of charges filed 1-24-94 - DENIED.
5. Pre-sentencing notice of motion to renew motion to set aside Information filed 3-3-94 - DENIED.
6. Motion to discover agreement with prosecution witness filed 1-24-94 - DENIED.
7. Motion for Franks v. Delaware evidentiary hearing filed 3-4-94 - DENIED.
8. De novo pre-sentencing notice of motion and motion to suppress filed 3-10-94 - DENIED.
9. Motion for new trial filed 2-2-94 - DENIED.
10. Request for written statement of decision filed 1-24-94 - DENIED.
11. Motion to set bail filed 3-3-94 - DENIED.
12. Motion for release on own recognizance filed 3-23-94 - DENIED.
13. Motion for stay of execution of sentencing filed 1-19-94 - DENIED.
14. Motion to strike report of probation officer filed 2-2-94 - DENIED.
15. Motion to obtain, mark and introduce documentary, relevant prison records, parolee file etc., filed 2-2-94 - FILED.
16. Petition for Rehearing on orders denying meaningful access to the Court filed 3-23-94 - DENIED.

Defendant's oral motion for a stay of execution is denied. Defendant sentenced. Probation denied. For Ct. 1 8 years S/P (U) with CTS 476 + 238 4019 714 total days. For counts 2 thru 6 8 years S/P each count C/C to Ct. 1. For Ct. 7 1/3 of mid term of 6 years = 2 years S/P consec. to Ct. 1. For counts 8 thru 11 8 years S/P each count C/C to Ct. 1. Total S/P = 10 years. RFS200, general restit. to Laura & Larell Arteaga. No visitation with Laura & Larell Arteaga pursuant to PC12022.05. Fine waived pursuant to PC290-J. Parole/appeal advised.

CRIMINAL MINUTES 001978
001978

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Case No. 161396 Case Name: People of the State of California vs
 Date 3-16-94 Time 9:26AM LORENZO ARTEAGA
 HONORABLE GREGORY H. WARD
 Deputy Clerk KATHY BORGES
 Court Reporter CINDY MOHR
 Deputy Sheriff GENE BOWDEN
 ADULT PROBATION OFFICER: MARVIN ZIETZKE
 RAY MENDOZA PROPER
 Deputy District Attorney Counsel for Defendant

PROCEEDING: FORMAL SENTENCING MOTION AND POST TRIAL MOTIONS.
 Continued from 2-23-94.

Also present:

1. Gloria Curcio, Dept. of Corrections (San Francisco)
2. Agent McAuley, state parole, San Jose. He has brought defendant's parole file.
3. Raul Torralba, state parole, San Jose.
4. Kim Suttles, Dept. of Justice, Dep. Attorney General.

Gloria Curcio, custodian of records from Dept. of Correction, San Francisco, sworn and examined re: documents she has produced from central file of defendant.

Recess to allow DA and defendant time to review documents.
 Court reconvenes. RE: subpoena to attorney general - court to examine documents in camera - deputy attorney general feels documents are not to be produced (even in camera) pursuant to Code provisions. Court will give defendant time to respond to motion to quash by the attorney general.

Order: subpoena to attorney general is ordered quashed.
 The information which is the subject of the subpoena could have been subpoenaed by defendant earlier. The subject matter relates to trial issues rather than post trial motions. Court feels it is being done now for purposes of delay by the defendant. Subpena is hereby quashed. Kim Suttles is excused.

Defendant states for the record he has received copies from his central file at the Dept. of Corrections as he requested. Gloria Curcio is excused.

Witness, Rebecca Rojas, social worker for defendant's children from summer of 1989 to May 1990, is sworn and examined re: subpoena she received.

Witness, Raul Torralba, state parole officer, sworn and examined re: subpoena he received.

Witness, Maria Arteaga, mother of defendant, sworn and examined on behalf of defendant. Interpreter for witness is Sam Fabila.

Defendant has filed a motion to set bail in amount of \$1,000 (modified). Defendant argues motion. This motion will remain on calendar.

ORIGINAL

FILED

MAR 9 4 11 PM '94

COUNTY CLERK
 SANTA CLARA COUNTY

1 DANIEL E. LUNGREN, Attorney General
 of the State of California
 2 JOSE R. GUERRERO, Supervising
 Deputy Attorney General
 3 KIM M. SETTLES, State Bar No. 116945
 Deputy Attorney General
 4 2101 Webster St., 12th Flr.
 Oakland, California 94612-3049
 5 Telephone: (510) 286-4144

6 Attorneys for Department of Justice

7
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF SANTA CLARA

10
 11 THE PEOPLE OF THE STATE OF) No. 161396
 CALIFORNIA,)
 12 Plaintiff,) NOTICE OF MOTION AND MOTION
 13) TO QUASH SUBPOENA
 14 v.)
 15 LORENZO ARTEAGA,) Date: March 16, 1994
 16 Defendant.) Time: 9:00 a.m.
 17) Sept: 47

18 NOTICE IS HEREBY GIVEN that on March 16, 1994, at
 19 9:00 a.m., or as soon thereafter as the matter can be heard, in
 20 the courtroom of Superior Court of Santa Clara County, San Jose,
 21 California, the Department of Justice will move to quash the
 22 subpoena duces tecum heretofore issued and purportedly requiring
 23 child abuse report records and will move for an oral order
 24 shortening the time in which said motion to quash may be heard.
 25 Said motion for an order shortening time will be made
 26 on the ground that the date of subpoena service allowed
 27 insufficient time to give the notice otherwise required by law.

1 Said motion to quash will be made on the ground that
2 the Department of Justice Child Abuse Report Index is not subject
3 to subpoena in this case because:

4 1. The California Department of Justice is not
5 required to furnish information contained in its child abuse
6 files.

7 This motion will be based on this notice, the
8 Memorandum of Points and Authorities served and filed herewith,
9 the pleadings, records, and files in the above-entitled action,
10 and such oral and documentary evidence as may be presented at the
11 hearing in this motion.

12 Dated: March 9, 1994

13 DANIEL E. LUNGREN, Attorney General
14 of the State of California
15 JOSE R. GUERRERO, Supervising
16 Deputy Attorney General

17 *Kim M. Settles*
18 KIM M. SETTLES
19 Deputy Attorney General

20 Attorneys for Department of Justice
21
22
23
24
25
26
27

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I

3 Mar 9 4 11 PM '94

4 DEFENDANT IS NOT ENTITLED TO INFORMATION IN
5 THE CHILD ABUSE FILES OF THE CALIFORNIA
6 DEPARTMENT OF JUSTICE MAINTAINED PURSUANT TO
7 PENAL CODE SECTION 11170

8 The Child Abuse Reporting Law is contained in section
9 11165 through 11174 of the Penal Code. Child abuse includes "a
10 physical injury which is inflicted by other than accidental
11 means" on a child under the age of 18 by another person. This
12 type of child abuse may take the forms of sexual assault,
13 neglect, willful cruelty or unjustifiable punishment, corporal
14 punishment or injury, or abuse in out-of-home care. (Penal Code,
15 §§ 1165(b) - (f).) Certain persons are required to report child
16 abuse if, in their professional capacities or within the scope of
17 their employment, they have knowledge of or observe a child who
18 they know or have reason to suspect has been a victim of such
19 abuse. (Penal Code, § 11166(a).) These persons belong to
20 defined categories, specifically, child care custodians, medical
21 practitioners, nonmedical practitioners and child protective
22 agency employees. (Penal Code, §§ 11165(h) - (k).) Any such
23 person who fails to report an instance of child abuse which he or
24 she knows to exist, or reasonably should know to exist, is guilty
25 of a misdemeanor. (Penal Code, § 11172(b).)

26 All persons making reports are protected from civil or
27 criminal liability. (Penal Code, § 11172(a).) The identities of
persons who report are confidential. (Penal Code, § 11167(c).)

1 The written reports required by Penal Code sections
2 11166(a) and 11166(f) must be submitted on forms adopted by the
3 Department of Justice and distributed by child protective
4 agencies. (Penal Code, § 11168.) A child protective agency must
5 forward to the Department of Justice a "preliminary report" in
6 writing of every case of known or suspected child abuse which it
7 investigates, other than the "general neglect" cases. (Penal
8 Code, § 11169.) The Department of Justice shall maintain an
9 index of all preliminary reports of child abuse submitted
10 pursuant to section 11169. (Penal Code, § 11170.)

11 The Child Abuse Reporting Law, in Penal Code section
12 11170 requires the Dept. of Justice to furnish relevant
13 information from its child abuse files to a child protective
14 agency submitting a report or to a district attorney. These are
15 the only agencies having rights of access to this information.
16 65 Ops. Atty.Gen. 335, 6-1-82.

17 Furthermore, the compilation of child abuse preliminary
18 reports represents an incursion into the privacy of a child and
19 those responsible for the child. They may also invade the
20 privacy of those compelled to make reports. Nevertheless, the
21 information is collected and used to assure the protection of
22 children within the justice system. (See, Central Valley Chap.
23 7th Step Foundation v. Younger (1979) 95 Cal.App. 3d 212, 236.)
24 Any incursion is justified by the state's compelling interest in
25 the child's welfare and safety. (Welfare and Institutions Code,
26 §§ 10101(c), 16306, 18275, 18290, and 18950.)
27

4. L 001927

CONCLUSION

1 The California Department of Justice must provide
2 information in its child abuse files to a child protective agency
3 submitting a report, or to a district attorney who has requested
4 notification of a suspected child abuse case. The Department is
5 not obligated to furnish this information to other persons or
6 agencies.
7

8 Dated: March 9, 1994

9 DANIEL E. LUNGREN, Attorney General
10 of the State of California
11 JOSE R. GUERRERO, Supervising
12 Deputy Attorney General

13 *Kim M. Settles*
14 KIM M. SETTLES
15 Deputy Attorney General

16 Attorneys for Department of Justice
17
18
19
20
21
22
23
24
25
26
27

5. L 001928

DECLARATION OF SERVICE

FILED

Case Name: PEOPLE v. LORENZO ARTEAGA

Mar 9 4 11 PM '94
No.: 161396

I declare:

COUNTY CLERK
SANTA CLARA COUNTY

I am employed in the County of Alameda, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 2101 Webster Street, 12th Floor, Oakland, California 94612.

On March 9, 1994, I served the attached

NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as follows:

Lorenzo Arteaga
150 West Hedding Street
San Jose, CA 95110

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on March 9, 1994 at Oakland, California.

D. COLLIER

D. Collier
Signature

1928A

JUNE 4 1993
Date

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff

161396
Case Number

-VS-

LORENZO ARTEAGA
Defendant

2
Page

The Court notes that items 7, 8, 9, 10, 11, 12 and 13 are not timely filed.

The Deputy District Attorney Does Not Object. The Court allows the defense argument on these issues.

Upon completion of argument, the Court rules on the motions.

Item 2 is denied without prejudice, matter is to be heard as a P.C. 402 Hearing by the trial department. Witnesses are released.

Item 1, Motions To Return Legal Documents, is denied.

Item 2, Evidentiary Hearing, is denied without prejudice.

Item 3, is denied.

Item 4, Discovery is granted as requested. Any other discovery is denied.

Item 5, Transcripts, is denied.

Item 6, Jeopardy has been denied previously and by this court this day.

Item 7, material witness, is denied.

Item 8, Rehearing, is denied.

Item 9, Judicial Notice, is denied without prejudice, to be heard by the trial department.

Item 10, Motion to Dismiss Re: Material Witness, is denied.

Item 11, P.C. 995, Legal Commitment, is denied.

Item 12, P.C. 1387, is denied, having been previously denied.

Item 13, Motion to dismiss, is denied, having been previously denied.

Motion Re: Contempt Re: legal papers is found to be not properly serviced and is ordered off calendar. The court allows the refiling of this motion only.

The Court notes all Pre-Trial Motions have been heard. Further motions will be denied hearing.

The Court notes that the proper forum for further hearing on these issues is the Sixth District Appellate Court.

This Hearing is adjourned.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

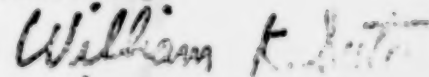
Re: Lorenzo Arteaga
v. Santa Clara Department of Family and
Children's Services
No. 96-9196

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960


Re: Lorenzo Arteaga
v. California
No. 96-9328

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,


William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. California
No. 96-9329

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703, A3-206L
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. California
No. 96-9309

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 16, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1050
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 96-8700

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

May 12, 1997

Mr. Lorenzo Arteaga
E66703, A3-206L
P.O. Box 1050
Soledad, CA 93960

Re: Lorenzo Arteaga
v. Don Eill, Warden
No. 96-8141

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 20, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 97-5677

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

October 6, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 96-9113

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

Pro se: Title 28 USCS section 1654, 1st,4th,5th,6th,8th,9th,13th,
and 14th Amendments, United States Constitution, et al.

In behalf of:)	Petition:
LARELLE MICHELLE ARTEAGA)	J098982
Birthdate May 4, 1980)	J099981
)	
)	NOTICE OF APPEAL OF ORDER
)	FILED SEPTEMBER 6, 1996

NOTICE IS HEREBY GIVEN that father, LORENZO ARTEAGA, hereby appeals from the order filed September 6, 1996 in the above-entitled action(s) to the Court of Appeal for the State of California, Sixth Appellate District and from all orders/judgments therein entered affecting his or his child(ren)s substantial civil, statutory or constitutional rights; the notices of appeal filed in December 1988 and subsequent thereto, docketed as H005398, H006074, H005398, in the Sixth Appellate District Court of Appeal are hereby incorporated and referenced in full for all purposes and in support of the fact that California Penal Code 1202.025 specifically cited in said order is a non-existent statute, and moreover, even if it were existent, it was non-existent at the time of the commencement of these proceedings in violation of Article I, section 10, United States Constitution and violation of Article I, section 9, California Constitution, ex post facto and inapplicable to the parent herein.

LORENZO ARTEAGA
Father, Pro se

Court's Exhibit
No. I Exh # 16396
☐ Identification ☒ Admitted
PEOPLE vs Artega
Date 2/24/93 Clerk [Signature]
© 2002 REV 1/96 E 000277

LORENZO ARTEAGA
No. 9252622
150 West Hedding Street
San Jose, CA 95110

In Propria Persona: Attorney of Record for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

THE PEOPLE,)	CASE NO. 161396
)	
Plaintiff,)	MOTION TO RECUSE AND
)	AFFIDAVIT PURSUANT TO
vs.)	CCP SECTION 170.1
)	
LORENZO ARTEAGA,)	
)	
Defendant.)	

STATE OF CALIFORNIA)	
)	ss.
COUNTY OF SANTA CLARA)	<u>CHALLENGE FOR CAUSE</u>

LORENZO ARTEAGA, being duly sworn, deposes and says:

That I am the attorney of record for defendant proceeding in propria persona and pro se pursuant to Title 28 U.S.C.A. section 1654 and pursuant to orders of the municipal and superior courts of Santa Clara County.

That RONALD L. LISK, the judge, court commissioner, or referee before whom the trial of the aforesaid action is pending or to whom the same is now assigned in the law and motion department of said court, is prejudiced against the defendant individually, and against defendant as his own attorney pro se/pro per or the interest of the defendant or his self as attorney pro se/pro per so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before the judge, court commissioner, or referee. The transcript record of the proceedings conducted on January 15, 1993, contain additional facts and evidence in support of this ~~challenge~~ challenge and in support of a challenge for cause, pursuant to CCP section 170.1, et seq. The same record of proceedings is hereby incorporated by reference as if fully set forth at length for all appellate purposes. LORENZO ARTEAGA: [Signature]

FEBRUARY SUBSCRIBED AND SWORN to before me this 26th day of FEBRUARY, 1993.

(Clerk or notary public or other officer administering oath)
E 000278

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
CLERK OF THE COURT

August 14, 1997

AREA CODE 202
479-3011

Lorenzo Arteaga
E-66703, A3-2061
P.O. Box 1030
Soledad, CA 93960

RE: Arteaga v. Superior Court of Santa Clara
County, California

Dear Mr. Arteaga:

The above-entitled petition for writ of certiorari was
postmarked July 16, 1997 and received July 21, 1997. The papers are
returned for the following reason(s):

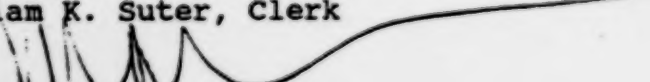
The appendix to the petition does not contain the following
documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Sixth
Appellate District in case No. H016397.

Please correct and resubmit as soon as possible. Unless the
petition is received by this Office in corrected form within 60
days of the date of this letter, the petition will not be
filed. Rule 14.5.

A copy of the corrected petition must be served on opposing
counsel.

Handwritten copies of orders cannot be accepted.

Sincerely,
William K. Suter, Clerk
By: 

M. Blalock
(202) 479-3023

Enclosures

cc: Daniel E. Lungren

11

1 the children, and would they please go arrest him because I
2 knew he had a warrant.

3 Q Okay. So, while your grandmother spoke to the children,
4 you then used another phone to call the San Antonio Police
5 Department?

6 A Yes.

7 Q Okay. And were the children picked up, to your
8 knowledge?

9 A Yes, they were.

10 Q Okay. And was Mr. Arteaga arrested?

11 A Yes, he was.

12 Q Okay. When did you next see the children?

13 A That evening. I flew down to San Antonio and picked
14 them up from the children's shelter.

15 Q Okay. And did you return with the children to
16 California?

17 A Yes. We caught a Greyhound Bus back.

18 Q Okay. Now, in between the period of April 8th, 1984 and
19 May 1st, 1984, had you had any contact from Mr. Arteaga?

20 A No.

21 Q Okay. Did he attempt to call you and tell you where the
22 children were?

23 A No.

24 Q Okay. Did you give him permission on April 8th or any
25 time before that, of 1984, did you give him permission to
26 remove the children from the County of Santa Clara or the
27 State of California?

28 A No.

Q And more specifically, did you give him permission to take the children to San Antonio, Texas?

A No.

Q And had there been any court order, to your knowledge, which altered in any fashion the custody situation as it existed spelled out in the order that's been marked as People's 1 for identification?

A No.

MR. COLE: I have no other questions at this point of the witness and just would like to indicate for the record, the order that we are speaking of is an order from the Superior Court of California, County of Santa Clara, with a Case Number 505627. It is an order prohibiting domestic violence and signed by the Honorable Leonard Edwards, April 17th, 1984.

But it refers back to a hearing, as indicated in the document itself, a hearing from August 31st, 1982 before the Honorable Reed Ambler.

THE COURT: Do you wish to just move that into evidence?

MR. COLE: Yes.

THE COURT: Any objection other than --

THE DEFENDANT: I don't object, Your Honor. No objection.

THE COURT: It's admitted.

(Whereupon, People's Exhibit Number 1 was admitted into evidence.)

MR. COLE: Just for the record at this point, Your

Honor, and I don't know whether this will be the appropriate time, we would like to indicate for the purposes of the Statute of Limitation under Section 803 of the Penal Code Section D, that for the purposes, though the Defendant was arrested back in 1983 -- 1984, that he voluntarily absented himself from the State of California, and therefore, for the purposes of the Statute of Limitations, he was not available for purposes of prosecution, even though we attempted to extradite him from the State of Texas.

It's my understanding that he's also in custody -- and I don't know whether your file indicates that -- he is also in custody for two warrants from Santa Clara County also dating from 1984, having to do with 242 of the Penal Code, for which there were bench warrants issued for his failure to appear.

And when he was arrested on our charge recently, he was also reincarcerated on those charges.

THE COURT: All right.

THE DEFENDANT: I would like to correct the record first.

THE COURT: All right.

THE DEFENDANT: First of all, Your Honor, the Defendant did not voluntarily, willfully leave the county here.

Secondly, the District Attorney's department -- District Attorney is not up to date on the record. The alleged misdemeanor allegations which were simultaneously filed with the current case at bar reflected a purported resisting arrest that went back to 1983, which was formerly

1 A NO.

2 Q OKAY. NOW, DID YOU HAVE ANY IDEA WHERE THE CHILDREN
3 WERE TAKNE?

4 A AT FIRST I DIDN'T. I FOUND OUT LATER -- IT TOOK ME
5 ABOUT A MONTH TO FIND THEM AND THEY WERE FOUND IN SAN
6 ANTONIO, TEXAS.

7 Q OK. WE'LL GET TO THAT IN A SECOND.

8 DID YOU REPORT THIS MATTER TO THE POLICE?

9 A YES. I DID.

10 Q WAS THIS ON OR ABOUT, I BELIEVE, APRIL 15TH, 1984?

11 A YES, YES.

12 Q OK. AND DID YOU COME TO THE DISTRICT ATTORNEY'S
13 OFFICE FOR ASSISTANCE AFTER REPORTING THE MATTER TO THE
14 POLICE?

15 A YES. I DID.

16 Q OKAY. WAS THAT ON OR ABOUT APRIL 24TH, 1984?

17 A YES.

18 Q OKAY. AND DID YOU HAPPEN TO SEE MR. KLIS, WHO IS SEATED
19 TO MY RIGHT, TO YOUR LEFT, CONCERNING THE MATTER?

20 A YES. I DID.

21 Q OKAY. NOW, ON OR ABOUT MAY 1ST, 1984, DID YOU HAVE
22 CONTACT WITH MR. ARTEAGA?

23 A BEFORE THAT DATE?

24 Q NO, ON THAT DATE.

25 A ON MAY 3RD YOU SAID?

26 Q YES.

27 A YES. I DID. I CALLED HIM AT HIS HOME. I GUESS IT WAS
28 HIS HOME, AND --

1 Q: WHERE WAS THAT CALL MADE TO?

2 A: IN SAN ANTONIO, TEXAS.

3 Q DID YOU SPEAK TO HIM PERSONALLY?

4 A YES. I DID.

5 THE COURT: WHEN WAS THIS, AGAIN, PLEASE?

6 MR. COLE: MAY 1ST, 1984, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 Q (BY MR. COLE) AND YOU MADE PHONE CONTACT WITH HIM AND
9 SPOKE TO HIM?

10 A YES.

11 Q OKAY. DID YOU ALSO SPEAK TO YOUR CHILDREN?

12 A YES.

13 Q OKAY. AND I TAKE IT SINCE YOU SPOKE TO THE CHILDREN
14 ALSO, THEY WERE PRESENT THERE WITH HIM IN SAN ANTONIO?

15 A YES. THAT'S WHY I ASKED TO SPEAK TO THEM TO MAKE SURE
16 THEY WERE THERE.

17 Q DID ANYONE ELSE SPEAK TO THE CHILDREN ON THAT DATE?

18 A YES.

19 Q WHO WAS THAT?

20 A MY GRANDMOTHER.

21 Q OKAY. AND WHAT'S HER NAME?

22 A HELENA HESS.

23 Q COULD YOU SPELL THAT?

24 A H-e-s-s.

25 Q AND WHILE YOUR GRANDMOTHER SPOKE TO THE CHILDREN, WHAT
26 DID YOU DO?

27 A I WENT DOWNSTAIRS AND CALLED THE SAN ANTONIO POLICE
28 DEPARTMENT AND TOLD THEM THAT I KNEW THAT HE WAS THERE WITH

MUNICIPAL COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
SAN JOSE FACILITY

AMENDED COMPLAINT
To correct Name JK

COMPLAINT

CPC 278

FILED

APR 30 1984

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

LORENZO ARTEAGA (1/23/54)
915 South Nevces, San Antonio TX

Defendant(s).

I, the undersigned, hereby certify, on information and belief
declare:

1000

That in the County of Santa Clara, State of California, on or
about the 8th day of April, 1984, a FELONY/MISDEMEANOR
violation, to wit: a violation of CALIFORNIA
PENAL CODE SECTION 278 (CHILD STEALING)

was committed by the above-named defendant(s), as follows, to wit:
The said defendant(s) not having a right of custody, did maliciously
take, entice away, detain and conceal a minor child, to wit:
LAURA ARTEAGA, of the age of 3 years, AND LAVELLE ARTEAGA of the
age of 2 years, with intent to detain and conceal such child from
a person having lawful charge of such child, to wit: HELEN WILLMAN.

Complainant therefore prays that the said defendant(s) may be
dealt with according to law.

I certify under penalty of perjury that the foregoing is true and
correct. Executed on April 30, 1984 at San Jose, California.

Warrant received for service by:

on 4/30/84
Cash or Bond \$ 25.00

JUDGE OF THE MUNICIPAL COURT
Kevin J. Murphy

Joe Klis
JOE KLIS
DAO 29907412
PCC/D124/D/jjg

4809 REV 6/79

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

FILMED

FILED

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

November 22, 1988 NOV 22 1988

GRAC
County Clerk
Santa Clara County

Against

LORENZO ARTEAGA

CEN 8820861

Defendant(s).

INFORMATION NO. 125303

COUNT ONE

The District Attorney of the County of Santa Clara, State of
California, hereby accuses LORENZO ARTEAGA of a FELONY, to wit: a
violation of CALIFORNIA PENAL CODE SECTION 278 (CHILD STEALING), in
that on or about the 8th day of April, 1984, in the County of Santa
Clara, State of California, the said defendant(s) not having a right
of custody, did maliciously take, detain, conceal and entice away, a
minor child, to wit: LAURA ARTEAGA, of the age of 3 YEARS, and
LAVELLE ARTEAGA of the age of 2 YEARS, with intent to detain and
conceal that child from a person having lawful charge of such child,
to wit: HELEN WILLMAN.

LEO HIMMELSDACH
District Attorney

27916

gg SJ/DAO CB447195

51j (16)

By 
PAUL C. COLE/D124
Deputy District Attorney

FILED
JUL 24 1990

GRACE K. YAMAMOTO
County Clerk
Santa Clara County
BY _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

against

LORENZO ARTEAGA,

Defendant.

INFORMATION
No. 120692
138/20

VERDICT

COUNT ONE

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty of child stealing, a
Guilty/Not Guilty
felony violation of Penal Code Section 278, on or about and
between the March 6, 1990 and April 14, 1990.

COUNT TWO

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty of false imprisonment, a
Guilty/Not Guilty
felony violation of Penal Code Section 236-237, on or about and
between the March 6, 1990 and April 14, 1990.

- 1 -

000481

COUNT THREE

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty of attempted child
Guilty/Not Guilty
stealing, a felony violation of Penal Code Section 664-278, on or
about and between the March 6, 1990 and April 14, 1990.

COUNT FOUR

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty of violation of child
Guilty/Not Guilty
custody order, a felony violation of Penal Code Section 278.5, on
or about and between the March 6, 1990 and April 14, 1990.

COUNT FIVE

We, the Jury in the above titled case, find the Defendant,
LORENZO ARTEAGA, Guilty of attempted violation of
Guilty/Not Guilty
child custody order, a felony violation of Penal Code Section
664-278.5, on or about and between the March 6, 1990 and April
14, 1990.

Dated: July 24, 1990

Joseph J. Bauer
FOREPERSON

- 2 -

000482

SIXTH DISTRICT APPELLATE PROGRAM

A Non-Profit Corporation

100 N. Winchester Blvd., Suite 310
Santa Clara, CA 95050

(408) 241-6171 - Main
(408) 241-2877 - Fax

Executive Director
Michael A. Kresser

Law Office Manager
Yolanda G. Edwards

Senior Staff Attorneys
Deanna F. Lamb
Dallas Sacher

Staff Attorneys
Shoko Tanida Michael
Joshua Weinstein
Lori A. Quick

August 20, 1996

Lorenzo Arteaga
E-66703
P. O. Box 1050
Soledad, CA 93960

Dear Mr. Arteaga:

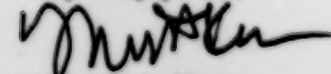
I am responding to your letter dated August 12, which I received August 15.

I enclose transcripts from the July 28, 1993 and August 4, 1993 hearings, as you requested.

The record was not augmented to include any post judgment motions or rulings in 1994 and 1995. Such motions or rulings are generally not cognizable in the appeal from the judgment, but must be separately appealed. It is unlikely the Court of Appeal would augment to include post judgment motions and rulings, absent a showing of how it might affect the appeal from the judgment. Of course, you may move the court to augment, and see what they do.

You also ask why I did not inform you of an ex parte order obtained by the District Attorney on July 5, 1990 to inspect the juvenile court dependency records concerning Laura and Larelle. The answer is because I was unaware of such order. An ex parte order is one in which the other parties are not noticed. I was never served with any notice, and was unaware the order was obtained.

Very truly yours,



Michael A. Kresser
Executive Director

MAK:sy

Enclosure

Sixth Appellate District No. H005398
S020235

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

In Re LARELLE A., A Person Coming Under the Juvenile Court Law

PEDRO SILVA, As Chief Probation Officer, Etc., Respondent

SUPREME COURT
FILED

AUG 12 1992

LORENZO A., Appellant

Robert Wandruff Clerk

DEPUTY

Appellant's petition for review DENIED.

LUCAS

Chief Justice

PROOF OF SERVICE BY MAIL

(C.C.P. 1013(a), 2015.5)

NAME OF CASE OR CAUSE LORENZO ARTEAGA v. USCAG

NUMBER OF CASE 97-6749

I, LORENZO ARTEAGA am a resident of the State
of California, County of KING. I am over the age of 18
years and am a party^{PRO SE} to the herein entitled action. My address is as follows:

E-66703, 4001 KING AVENUE, CORCORAN, CA 93212

On the date of 12-14-97, I caused to be served the fore-
going document(s) REPLY BRIEF

on the parties listed below by placing a true copy thereof, enclosed in a sealed en-
velope with postage thereof fully prepaid, in the custody and control of a CDC cor-
rectional Officer* designated to collect mail for deposit with the United States
Mail at

addressed as follows:

(1) SETH P. WAXMAN

SOLICITOR GENERAL OF THE U.S.
ROOM 5614
DEPARTMENT OF JUSTICE

950 PENNSYLVANIA AVE. N.W.
WASHINGTON, DC 20530-0001

(3) DANIEL E. LUNDGREN

(2) PETE WILSON

(4) _____

There is regular delivery service by the U.S. Postal Service between the
place of mailing and the places so addressed.

I declare under penalty of perjury under the laws of the State of Cali-
fornia that the foregoing is true and correct.

Executed this 14th day of DECEMBER, 19 97, at KING COUNTY
CALIFORNIA

* The signature of CDC Correctional Officer is affixed to the rear of the envelopes
with date and time of collection.

Signature [Signature]

CDC # _____

Housing _____